

UNITED STATES BANKRUPTCY COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION	:	
CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
- against -	:	Adv. Pro. 08-1789 (BRL)
	:	
BERNARD L. MADOFF INVESTMENT	:	
SECURITIES, LLC,	:	
	:	
Defendant.	:	
-----X	:	

DECLARATION OF GERALD ROSENBERG

GERALD ROSENBERG declares, under penalty of perjury pursuant to 28 U.S.C.

§ 1746, that:

1. I am the husband of Elaine Rosenberg, a former customer of Bernard L. Madoff Investment Securities, Inc. ("BLMIS") who is a claimant in these proceedings.
2. My wife is 81 years old and not in good health.
3. I have, at all times relevant to these proceedings, had primary responsibility for managing my wife's investment in BLMIS.
4. At some time before 1996, I opened an account with BMLIS in my name. Neither then, nor at any time until the public disclosure by Bernard L. Madoff of his fraud, did I or my wife know or suspect that any account at BLMIS was anything other than a conservative, legitimate investment. When the fraud became public, we were as surprised as anyone.
5. At some time in the 1990s, for business and financial planning reasons having nothing to do with BLMIS, I closed my account. I believe I took money from my account and gave some of it to my wife, gave some of it to my children, and put any remainder in

other investments. As far as I know, I no longer have any records of my former account. My wife opened Account No. 1R0115 (the "Account") at BLMIS, and it may be that the money I gave her was deposited into that Account. I do not have records of how I distributed the funds from my account, or what my account number had been.

6. On June 26, 2009, my wife filed a claim with respect to her Account as directed by the Trustee. A copy of that claim number 12175 (the "Claim") is attached as Exhibit A to this Declaration.

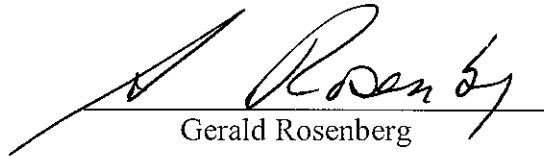
7. On January 15, 2010 the Trustee issued a letter purporting to determine my wife's claim. A copy of that letter (the "Determination Letter") is attached as Exhibit B to this Declaration.

8. Table 1 in the Determination Letter includes certain alleged transfers or deposits into my wife's Account. According to the chart, \$3,047,206.71 was deposited into her Account. We do not have records of most of these individual deposits because most of them were made long ago. We also do not recognize account number 1R003530 for the deposits in 1996 and 1997. The limited information we do have indicates an investment of at least \$4,748,085.83 in my wife's Account at year end 2000.

9. Despite conceding that at least \$3,047,206.71 was deposited into my wife's Account, the Trustee seems to be saying that those deposits did not actually occur because the money for those deposits came from other BLMIS accounts and the amount taken from those other BLMIS accounts exceeded the amount originally deposited in those other BLMIS accounts. My wife and I have no records or information that would indicate such a conclusion, nor has the Trustee provided us with any records or other evidence to support his position, nor do I believe, even if the Trustee has such records, that his conclusion drawn from them is correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed March 15, 2010.


Gerald Rosenberg